S.B.CRIMINAL MISC. BAIL APPLICATION NO.5733/2007

(Imran vs. State of Rajasthan)

DATE OF ORDER : December 13, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.J.S.Choudhary, for the first informant.

Heard learned counsel for the petitioner, Public Prosecutor for the State and the counsel appearing for the first informant. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioner that similarly situated co-accused Mst Abida has been granted bail by this Court vide order dt. 16.11.2007.

On perusal of the police investigation diary, it appears that the case of the petitioner is similar to that of co-accused Mst Abida. While considering the case of co-accused Mst Abida, the entire police investigation diary was perused including the opinion of the Medical Board comprising of three Doctors as also the FSL Report. In the FSL Report, there is no positive sign of administering the poisonous substance to the deceased.

Be that as it may, without commenting on the merit of the case, having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by the petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Imran s/o Farook in FIR No.108/2006, P.S. Sujangarh, Distt. Churu, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-